

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

IN RE: SUNEDISON, INC. SECURITIES
LITIGATION

Case No. 16-MD-2742 (PKC) (AJP)

DARCY CHURCH, Individually and on Behalf of All
Others Similarly Situated,

Plaintiff,

v.

Case No. 1:16-cv-07962-PKC

AHMAD R. CHATILA and BRIAN WUEBBELS,
Defendants.

**NOTICE OF UNOPPOSED MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION SETTLEMENT**

PLEASE TAKE NOTICE that Lead Plaintiff Don Harris and Named Plaintiff Kyle Tervort (collectively, “Plaintiffs”), through Plaintiffs’ Counsel, on behalf of themselves and the Settlement Class, hereby move under Federal Rule of Civil Procedure 23 for the entry of an order, substantially in the form attached to the Settlement Stipulation as Exhibit A:

- (1) preliminarily approving the proposed settlement as set forth in the Stipulation of Settlement dated September 8, 2017 (the “Settlement Stipulation”), resolving this Action against all Defendants in exchange for the payment of \$2.1 million for the benefit of the Settlement Class;
- (2) preliminarily certifying a class (the “Settlement Class”), for settlement purposes only, of all persons who purchased or acquired the securities of Vivint Solar, Inc. between July 20, 2015 and April 1, 2016, both dates inclusive;
- (3) appointing Strategic Claims Services as Claims Administrator;
- (4) approving the form and manner of disseminating notice to the Settlement Class;

- (5) scheduling a hearing to consider final approval of the Settlement and an award of attorneys' fees and expenses; and
- (6) setting deadlines for the dissemination of notice, the submission of proofs of claim and requests for exclusion, the filing of objections, and the filing of Plaintiffs' Counsel's motion for final approval of the Settlement and application for attorneys' fees and expenses.

This motion is based on the Settlement Stipulation and the exhibits thereto (filed contemporaneously herewith), Plaintiffs' supporting Memorandum of Law (filed contemporaneously herewith), the Court's docket in this Action, and any other information the Court may request. Defendants do not oppose the relief requested by this motion.

Dated: September 8, 2017

Respectfully submitted,

/s/ Jeremy A. Lieberman

Jeremy A. Lieberman

Murielle J. Steven Walsh

Aatif Iqbal

POMERANTZ LLP

600 Third Avenue, Floor 20

New York, NY 10016

Phone: 212-661-1100

Fax: 917-463-1044

Email: jalieberman@pomlaw.com

Email: mjsteven@pomlaw.com

Email: aiqbal@pomlaw.com

Attorneys for Lead Plaintiff